REMARKS

Claims 1-23, 34-46, 48 and 49 are canceled. Claims 24-33, 47 and 50-68 now remain pending in the application.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 over Matsuda in view of Ben-David

In the Office Action, claims 1-6, 8, 24-29, 31, 47 and 50-62 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0133573 to Matsuda et al. ("Matsuda") in view of U.S. Patent No. 6,273,622 to Ben-David ("Ben-David"). The Applicants respectfully traverse the rejection.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 recite a connectionless transport protocol that facilitates communications of a plurality of intelligent messaging network servers with one another. The connectionless transport protocol comprises a transport layer that provides for networking services comprising message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service.

The Examiner relied on Ben-David to allegedly disclose a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service. The Examiner acknowledged that Ben-David teaches "message segmentation is done on the IP layer, which is used in conjunction with UDP to send a message" (see Office Action, page 4).

As Applicants point out in their specification, a network layer (layer 3) such as, e.g., the Internet Protocol (IP) layer, is responsible for providing network protocol layer functionality and hiding the details of this functionality from the transport layer. Thus, IP is conventionally part of the network layer. In contrast to IP's network layer, Applicants' claims are directed to a transport layer. Ben-David's network layer providing whatever functionality fails to disclose, teach or suggest a transport layer that provides for networking services comprising message segmentation and reassembly, message retries, message duplication

detection, and message ACK and NACK service, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Moreover, the Examiner alleged that "the limitation 'used to allow said plurality of servers to communication with one another' is a statement of intended use, and holds no patentable weight." (see Office Action, page 5). The Applicants respectfully disagree.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 are amended herein to remove the language that the Examiner alleged created an "intended use, and holds no patentable weight." Thus, the pending claimed features are not disclosed, taught, or suggested by the cited prior art as discussed herein.

Matsuda in view of Lincke would still fail to disclose, teach a connectionless transport protocol that comprises a transport layer that provides for networking services comprising message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, and, as acknowledged by the Examiner, use of such a connectionless transport layer to allow a plurality of intelligent messaging network servers to communicate with one another, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Accordingly, for at least all the above reasons, claims 1-6, 8, 24-29, 31, 47 and 50-62 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 9, 10, 30, 32 and 33 over Matsuda in view of Ben-David and Bell

In the Office Action, claims 7, 9, 10, 30, 32 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matsuda in view of Ben-David, and further in view of U.S. Patent No. 6,044,081 to Bell et al. ("Bell"). The Applicants respectfully traverse the rejection.

Claims 7, 9, 10, 30, 32 and 33 are dependent on claims 1 and 24 respectively, and are allowable for at least the same reasons as claims 1 and 24.

Claims 7, 9, 10, 30, 32 and 33 recite a connectionless transport protocol that facilitates communications of a plurality of intelligent messaging

network servers with one another. The connectionless transport protocol comprises a transport layer that provides for networking services comprising message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service.

As discussed above, Matsuda in view of Ben-David fails to disclose, teach or suggest the claimed features of claims 7, 9, 10, 30, 32 and 33. The Examiner relied on Bell to allegedly make up for the acknowledged deficiencies in Matsuda in view of Ben-David. The Applicants respectfully disagree.

Bell appears to disclose a system and method for communicating a private network signaling message over a packet network and bridges for communicating a MAC layer frame over an isochronous channel (See Bell, col. 1, lines 34-38). Moreover, an isochronous signaling frame can be communicated over a nonisochronous network (See Bell, col. 1, lines 39-40). Telephony protocols and computer network protocols are cross-translated for packet based signaling (See Bell, col. 8, lines 38-46).

Thus, Bell discloses use of a computer network protocol. However, Bell simply discloses cross-translating a conventional computer network protocol to a telephony protocol. Bell fails to disclose or suggest a system and method that relies on a connectionless transport protocol that facilitates communications of a plurality of intelligent messaging network servers with one another. The connectionless transport protocol is recited as comprising a transport layer that provides for networking services comprising message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, as recited by claims 7, 9, 10, 30, 32 and 33

Thus, Matsuda in view of Ben-David, and even further in view of Bell would still fail to disclose, teach or suggest a system and method relying a connectionless transport protocol that facilitates communications of a plurality of intelligent messaging network servers with one another. The connectionless transport protocol is recited as comprising a transport layer that provides for networking services comprising message segmentation and reassembly,

message retries, message duplication detection, and message ACK and NACK service, as recited by claims 7, 9, 10, 30, 32 and 33.

Accordingly, for at least all the above reasons, claims 7, 9, 10, 30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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